

1. THE HONORABLE JUDGE JAMAL N. WHITEHEAD
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6. **UNITED STATES DISTRICT COURT FOR THE
7. WESTERN DISTRICT OF WASHINGTON
8. AT SEATTLE**

9. MB Marine, LLC, an Alaska Limited Liability
10. Company, *In Personam*; and the GOLDEN
11. EAGLE, Official Number 954681, her engines,
12. machinery, components, anchors, cables, skiffs,
13. furnishings, appliances, and any and all other
14. appurtenances belonging thereto, *in rem*,

15. **IN ADMIRALTY**

16. Case No.: 23-CV-00513-JNW

17. **SECOND STIPULATED MOTION FOR
18. ENLARGEMENT OF TIME PURSUANT TO
19. F.R.C.P. 6(B) AND L.C.R. 16(B)(6)**

20. **NOTED FOR CONSIDERATION: APRIL 16,
21. 2024**

22. *Plaintiffs/Counterclaim-Defendants,*

23. vs.

24. WIEHLE INDUSTRIES, INC., a Washington
25. Corporation,

26. *Defendant/Counterclaim-Plaintiff.*

27. **STIPULATION**

28. Pursuant to L.C.R. 7(d)(1) and 10(g), the parties file this stipulated motion to extend the
29. discovery deadlines set by Court order on September 11, 2023. *See* Dkt. 14. Good causes supports
30. granting an extension of this scheduling date. Discovery was delayed due to Plaintiff's schedule
31. during the hunting season, during which the Plaintiff was out on the Golden Eagle (the "Vessel")
32. almost continuously. Due to further scheduling difficulties, the parties have one remaining
33. deposition scheduled for April 18, 2024, after the discovery deadline of April 14, 2024. Parties

1. thus request that the Court extend the discovery deadline and the deadline to submit dispositive
 2. motions and motions challenging expert witness testimony to April 26, 2024.

3. The court will modify dates set forth in a scheduling order only upon a showing of good
 4. cause. *See Fed. R. Civ. P. 16(b)(4); Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 608
 5. (9th Cir. 1992). The primary factor courts consider in making a good cause determination is
 6. whether the moving party was diligent in its attempts to complete discovery in a timely manner.
 7. *See Johnson*, 975 F.2d at 609. If that party was not diligent, the inquiry should end, and the request
 8. should be denied. *Id.* “Although the existence or degree of prejudice to the party opposing the
 9. modification might supply additional reasons to deny a motion, the focus of the inquiry is upon
 10. the moving party’s reasons for seeking modification.” *Id.*

11. Good cause exists to extend the discovery deadline. Plaintiff’s occupation requires him to
 12. be on the Vessel and largely unavailable for extended periods of time during the hunting season.
 13. Upon Plaintiff’s return, parties engaged in the discovery process. There is, however, one deposition
 14. remaining, scheduled for April 18, 2024. Additionally, parties are seeking an extension of the
 15. deadline to submit dispositive motions and motions challenging expert witness testimony to allow
 16. the parties time to submit such motions after completing depositions. An additional twelve (12)
 17. days would provide the parties with enough time to complete depositions and to file dispositive
 18. motions and motions challenging expert witness testimony.

19. In addition to good cause for extension of the discovery deadline, the parties note that there
 20. will be no prejudice to either Plaintiff or Defendant by extending the deadline. Indeed, an extension
 21. will allow the parties to develop thorough arguments so that this matter may be decided on its
 22. merits.

23. For the foregoing reasons, the parties therefore request that this Court extend the discovery

1. deadline an additional twelve (12) days to April 26, 2024.

2. DATED this 16th day of April, 2024.

3. Respectfully submitted,

4. INTERNATIONAL MARITIME GROUP | PLLC

5. By: /s/ /R. Isaak Hurst

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8. *ATTORNEY FOR DEFENDANT - WIEHLE INDUSTRIES, INC.*

9. HOLMES WEDDLE & BARCOTT, P.C.

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15. *ATTORNEY FOR PLAINTIFFS - MB MARINE, ET AL.*

1. **ORDER**

2. PURSUANT TO STIPULATION, IT IS SO ORDERED that:

3. The discovery deadline of April 14, 2024, is extended through April 26, 2024, to allow
4. additional time for parties to complete depositions and to file dispositive motions and motions
5. challenging expert witness testimony.

6. DATED: April 17, 2024.

7. 
8. _____

9. Jamal N. Whitehead
10. United States District Judge

11. Presented by:

12. INTERNATIONAL MARITIME GROUP, PLLC

13. /s/ R. Isaak Hurst
14. R. Isaak Hurst, WSBA # 43679
15. Attorney for Defendant

16. HOLMES, WEDDLE, AND BARCOTT, PC

17. /s/ Michael A. Barcott
18. Michael A. Barcott, WSBA # 13317
19. Attorney for Plaintiff

1. **CERTIFICATE OF SERVICE**

2. I hereby certify that on April 16, 2024, I electronically filed a copy of the foregoing
3. document with the Court's CM/ECF system, which electronically notifies and serves via E-Service
4. the following parties:

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11. Respectfully submitted,

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